

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, ex rel. DR
JAMES CONTOS,

Plaintiff,

v.

FRED HUTCHINSON CANCER RESEARCH
CENTER, YALE UNIVERSITY, and DR LINDA
BUCK,

Defendants.

No. C11-0242-RSM

ORDER

FILED UNDER SEAL

ORDER

The United States having declined at this time to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), it is hereby ORDERED that:

1. the Relator has ten (10) days from the date of the government's Notice to notify the Court regarding how or whether he intends to proceed with this *qui tam* action;
2. upon Relator filing the notice referenced in Paragraph 1, *supra*, the Complaint shall be unsealed and (to the extent the Relator elects to proceed with this action) served upon Defendants by the Relator;
3. all other contents of the Court's file in this action shall remain under seal and not be made public or served upon the defendants, except for this Order, the United States' Notice of Election to Decline Intervention, and the notice referenced in Paragraph 1, *supra*, which the

1 Relator will serve upon the defendants only after service of the Complaint;

2 4. the seal be lifted as to all other matters occurring in this action after the notice
3 referenced in Paragraph 1, *supra*;

4 5. the parties shall serve all pleadings and motions filed in this action, including
5 supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The
6 United States may order any deposition transcripts and is entitled to intervene in this action, for
7 good cause, at any time;

8 6. the parties shall serve all Notices of Appeal upon the United States;

9 7. all orders of this Court shall be sent to the United States; and

10 8. should the Relator or any defendants propose that this action be dismissed, settled, or
11 otherwise discontinued, the Court will provide the United States with notice and an opportunity
12 to be heard before ruling or granting its approval.

13 IT IS SO ORDERED,

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15 DATED this 10th day of August 2012.

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19 RICARDO S. MARTINEZ
20 UNITED STATES DISTRICT JUDGE
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22 Presented by:
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25 DAVID R. EAST # 31481
26 Assistant United States Attorney
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